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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 20th February 2019 and is hereby published for general information:—

ACT No. 10 of 2019.

An Act to provide for the establishment of a Municipal Corporation for the city of Hosur.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Hosur City Municipal Corporation Act, 2019.

Definitions

(2) It extends to the city of Hosur.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. (1) In this Act, unless the context otherwise requires,

- (a) “city of Hosur” or “city” means the local area comprised in the Hosur municipality and includes any local area which, after the date of the commencement of this Act, is included in the city but does not include any local area which, after such date of the commencement of this Act, is excluded from the city;
- (b) “corporation” means the municipal corporation of Hosur constituted under Section 3;
- (c) “council” means the council of municipal corporation of Hosur;
- (d) “date of the commencement of this Act” means the date specified under sub-section (3) of Section 1;
- (e) “Government” means the State Government;
- (f) “municipal council” means the municipal council of Hosur municipality;
- (g) “municipality” means the Hosur municipality;
- (h) “Scheduled Castes” and “Scheduled Tribes” shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 366 of the Constitution.

(2) All words and expressions used in this Act and not defined but defined in the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), shall have the meanings, respectively, assigned to them in the 1981 Act.

Tamil Nadu Act
25 of 1981

3. (1) With effect on and from the date of the commencement of this Act, the local area included in the Hosur municipality shall constitute the city of Hosur for the purposes of this Act and from such date of the commencement of this Act, a municipal corporation shall be deemed to have been established for the said city by the name of Hosur City Municipal Corporation:

Establishment
of municipal
corporation
for the city of
Hosur.

Provided that the Government may, from time to time, after consultation with the corporation, by notification, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Hosur municipality, functioning immediately before the date of the commencement of this Act, shall be deemed to have been abolished from such date of the commencement of this Act.

4. The municipal authorities charged with carrying out the provisions of this Act shall be,—

Municipal
authorities.

- (1) a Mayor;
- (2) a council;
- (3) a standing committee;
- (4) a wards committee; and
- (5) a commissioner.

5. (1) Save as otherwise provided in sub-section (2), the council shall consist of such number of councillors elected in the manner laid down in this Act as may be fixed by the Government, by notification, from time to time, so, however, that the total number of councillors of the council shall not exceed seventy-two at any time.

Constitution of
council.

(2) The following persons shall also be represented in the council, namely:—

(a) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(b) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation.

(3) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council.

(4) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.

(5) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than fifty per cent of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(6) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than fifty per cent including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes of the total number of seats in the council.

(7) The reservation of seats under sub-sections (4) and (5) shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.

Duration of
Corporation.

6. (1) The corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer and the said period of five years shall operate as a dissolution of the corporation.

(2) An election to constitute the corporation shall be completed,—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election, under this sub-section for constituting the corporation for such period.

Tamil Nadu
District
Municipalities
Act, 1920 not
to apply.

7. (1) Subject to the provisions of sub-sections (2) and (3), the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the "District Municipalities Act") shall, with effect on and from the date of the commencement of this Act, cease to apply to the local area comprised within the city of Hosur.

Tamil Nadu Act
V of 1920.

(2) Such cessor shall not affect,—

(a) the previous operation of the District Municipalities Act in respect of the local area comprised within the city of Hosur;

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the District Municipalities Act; or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers, made or issued or conferred under the District Municipalities Act and in force on the date of the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force in the local area comprised within the city of Hosur until they are replaced by the appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers to be made or issued or conferred under this Act.

8. (1) Save as otherwise expressly provided herein, all the provisions of the 1981 Act, including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply, *mutatis mutandis* to the corporation and the 1981 Act shall, in relation to the corporation, be read and construed as if the provisions of this Act had formed part of the 1981 Act.

Application of
the provisions
of the 1981
Act to the
corporation.

(2) For the purpose of facilitating the application of the provisions of the 1981 Act to the corporation, the Government may, by notification, make such adaptations and modifications of the 1981 Act and the rules and bye-laws made thereunder, whether by way of repealing, amending or suspending any provisions thereof, as may be necessary or expedient and thereupon, the 1981 Act and the rules made thereunder, shall apply to the corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the 1981 Act, or the rules and bye-laws made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper having regard to the matter before the court, tribunal or authority.

(4) In the 1981 Act as extended and applied to the city of Hosur,—

(a) any reference to the city of Coimbatore and Coimbatore municipality, shall by reason of this Act, be construed as a reference to the city of Hosur and Hosur municipality, respectively; and

(b) any reference to the Coimbatore Corporation, Corporation of Coimbatore and Municipal Corporation of Coimbatore, shall by reason of this Act, be construed as a reference to the Hosur Corporation, Corporation of Hosur and Municipal Corporation of Hosur, respectively.

Transitional provisions.

9. (1) All property, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in, or held in trust by or for the municipal council with all rights of whatever kind used, enjoyed or possessed by the said municipal council as well as all liabilities legally subsisting against the said municipal council, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said municipal council on the date of such commencement may be recovered as if they had accrued to the corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of the commencement of this Act were being levied by the said municipal council shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against, the municipal council or authority or any person under the District Municipalities Act may be continued by, or against, the corporation, authority or person as if the said proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the District Municipalities Act, by any authority before the date of such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee who, immediately before the date of the commencement of this Act, was in the service of the municipality shall, on and from the date of such commencement be deemed to be an officer or employee of the corporation:

Provided that,—

(a) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the corporation shall not be less favourable than those applicable to such employees immediately before the date of such commencement, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by any such officer or other employee under the municipality upto the date of such commencement shall be deemed to be service under the corporation and he shall be entitled to count that service for the purpose of increment, leave, pension, provident fund and gratuity:

Provided further that any officer or other employee serving in the municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in Section 73-A of the District Municipalities Act or to be retrenched from the service of the municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Hosur municipality into wards, made under this District Municipalities Act, and in force on the date of the commencement of this Act shall be deemed to be a division of the corporation until altered.

(8) The electoral roll prepared for the Hosur municipality under the District Municipalities Act, and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for the corporation until a new electoral roll is prepared and published and the part of the said electoral roll relating to each ward of the municipality shall be deemed to be the list of the electoral roll for the corresponding division of the corporation.

10. (1) There shall be appointed by the Government, by notification, a Special Officer to exercise the powers, perform the duties and discharge the functions of—

Appointment
of Special
Officer.

- (a) the council,
- (b) the standing committee,
- (c) the commissioner, and
- (d) the wards committee.

(2) The Special Officer shall exercise the powers, perform the duties and discharge the functions, —

(a) of the corporation, until the elected councillors come into office;

(b) of the standing committee, until a standing committee is appointed by the corporation; and

(c) of the commissioner, until a commissioner is appointed by the Government and such officer may, if the Government so direct, receive remuneration for his services from the municipal fund.

(3) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the date of the commencement of this Act shall be deemed to be the Special Officer of the corporation and he shall exercise the powers and perform the duties and discharge the functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

(4) The Special Officer referred to in sub-section (1) or in sub-section (3) shall hold office until the day on which the first meeting of the council is held after ordinary election to the corporation.

11. (1) The Government may make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 20th February 2019 and is hereby published for general information:—

ACT No. 11 of 2019.

An Act to provide for the establishment of a Municipal Corporation for the city of Nagercoil.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nagercoil City Municipal Corporation Act, 2019. Short title,
extent and
commencement.

(2) It extends to the city of Nagercoil.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. (1) In this Act, unless the context otherwise requires,— Definitions.

(a) “city of Nagercoil” or “city” means the local area comprised in the Nagercoil municipality and includes any local area which, after the date of the commencement of this Act, is included in the city but does not include any local area which, after such date of the commencement of this Act, is excluded from the city;

(b) “corporation” means the municipal corporation of Nagercoil constituted under section 3;

(c) “council” means the council of municipal corporation of Nagercoil;

(d) “date of the commencement of this Act” means the date specified under sub-section (3) of Section 1;

(e) “Government” means the State Government;

(f) “municipal council” means the municipal council of Nagercoil municipality;

(g) “municipality” means the Nagercoil municipality;

(h) “Scheduled Castes” and “Scheduled Tribes” shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 366 of the Constitution.

Tamil Nadu
Act 25 of 1981.

(2) All words and expressions used in this Act and not defined but defined in the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), shall have the meanings, respectively, assigned to them in the 1981 Act.

3. (1) With effect on and from the date of the commencement of this Act, the local area included in the Nagercoil municipality shall constitute the city of Nagercoil for the purposes of this Act and from such date of the commencement of this Act, a municipal corporation shall be deemed to have been established for the said city by the name of Nagercoil City Municipal Corporation: Establishment
of municipal
corporation
for the city of
Nagercoil.

Provided that the Government may, from time to time, after consultation with the corporation, by notification, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Nagercoil municipality, functioning immediately before the date of the commencement of this Act, shall be deemed to have been abolished from such date of the commencement of this Act.

Municipal
authorities.

4. The municipal authorities charged with carrying out the provisions of this Act shall be,—

- (1) a Mayor;
- (2) a council;
- (3) a standing committee;
- (4) a wards committee; and
- (5) a commissioner.

Constitution of
council.

5. (1) Save as otherwise provided in sub-section (2), the council shall consist of such number of councillors elected in the manner laid down in this Act as may be fixed by the Government, by notification, from time to time, so, however, that the total number of councillors of the council shall not exceed seventy-two at any time.

(2) The following persons shall also be represented in the council, namely:—

(a) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(b) all the Members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation.

(3) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council.

(4) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.

(5) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than fifty per cent of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(6) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than fifty per cent including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes of the total number of seats in the council.

(7) The reservation of seats under sub-sections (4) and (5) shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.

6. (1) The corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer and the said period of five years shall operate as a dissolution of the corporation.

Duration of corporation.

(2) An election to constitute the *corporation* shall be completed,—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election, under this sub-section for constituting the corporation for such period.

7. (1) Subject to the provisions of sub-sections (2) and (3), the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the "District Municipalities Act") shall, with effect on and from the date of the commencement of this Act, cease to apply to the local area comprised within the city of Nagercoil.

Tamil Nadu District Municipalities Act, 1920 not to apply.

(2) Such cesser shall not affect,—

(a) the previous operation of the District Municipalities Act in respect of the local area comprised within the city of Nagercoil;

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the District Municipalities Act; or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers, made or issued or conferred under the District Municipalities Act and in force on the date of the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force in the local area comprised within the city of Nagercoil until they are replaced by the appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers to be made or issued or conferred under this Act.

Tamil Nadu
Act V of 1920.

Application of the provisions of the 1981 Act to the corporation.

8. (1) Save as otherwise expressly provided herein, all the provisions of the 1981 Act, including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply, *mutatis mutandis* to the corporation and the 1981 Act shall, in relation to the corporation, be read and construed as if the provisions of this Act had formed part of the 1981 Act.

(2) For the purpose of facilitating the application of the provisions of the 1981 Act to the corporation, the Government may, by notification, make such adaptations and modifications of the 1981 Act and the rules and bye-laws made thereunder, whether by way of repealing, amending or suspending any provisions thereof, as may be necessary or expedient and thereupon, the 1981 Act and the rules made thereunder, shall apply to the corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the 1981 Act, or the rules and bye-laws made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper having regard to the matter before the court, tribunal or authority.

(4) In the 1981 Act as extended and applied to the city of Nagercoil,—

(a) any reference to the city of Coimbatore and Coimbatore municipality, shall by reason of this Act, be construed as a reference to the city of Nagercoil and Nagercoil municipality, respectively; and

(b) any reference to the Coimbatore Corporation, Corporation of Coimbatore and Municipal Corporation of Coimbatore, shall by reason of this Act, be construed as a reference to the Nagercoil Corporation, Corporation of Nagercoil and Municipal Corporation of Nagercoil, respectively.

Transitional provisions.

9. (1) All property, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in, or held in trust by or for the municipal council with all rights of whatever kind used, enjoyed or possessed by the said municipal council as well as all liabilities legally subsisting against the said municipal council, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said municipal council on the date of such commencement may be recovered as if they had accrued to the corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of the commencement of this Act were being levied by the said municipal council shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against, the municipal council or authority or any person under the District Municipalities Act may be continued by, or against, the corporation, authority or person as if the said proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the District Municipalities Act, by any authority before the date of such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee who, immediately before the date of the commencement of this Act, was in the service of the municipality shall, on and from the date of such commencement be deemed to be an officer or employee of the corporation:

Provided that,—

(a) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the corporation shall not be less favourable than those applicable to such employees immediately before the date of such commencement, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by any such officer or other employee under the municipality upto the date of such commencement shall be deemed to be service under the corporation and he shall be entitled to count that service for the purpose of increment, leave, pension, provident fund and gratuity:

Provided further that any officer or other employee serving in the municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in Section 73-A of the District Municipalities Act or to be retrenched from the service of the municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Nagercoil municipality into wards, made under this District Municipalities Act, and in force on the date of the commencement of this Act shall be deemed to be a division of the corporation until altered.

(8) The electoral roll prepared for the Nagercoil municipality under the District Municipalities Act, and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for the corporation until a new electoral roll is prepared and published and the part of the said electoral roll relating to each ward of the municipality shall be deemed to be the list of the electoral roll for the corresponding division of the corporation.

10. (1) There shall be appointed by the Government, by notification, a Special Officer to exercise the powers, perform the duties and discharge the functions of—

Appointment of
Special Officer.

- (a) the council,
- (b) the standing committee,
- (c) the Commissioner, and
- (d) the wards committee.

(2) The Special Officer shall exercise the powers, perform the duties and discharge the functions, —

(a) of the corporation, until the elected councillors come into office;

(b) of the standing committee, until a standing committee is appointed by the corporation; and

(c) of the commissioner, until a Commissioner is appointed by the Government and such officer may, if the Government so direct, receive remuneration for his services from the municipal fund.

(3) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the date of the commencement of this Act shall be deemed to be the Special Officer of the corporation and he shall exercise the powers and perform the duties and discharge the functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

(4) The Special Officer referred to in sub-section (1) or in sub-section (3) shall hold office until the day on which the first meeting of the council is held after ordinary election to the corporation.

Power to make rules.

11. (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of **two** years from the date of the commencement of this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 20th February 2019 and is hereby published for general information:—

ACT No. 12 of 2019.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu
Act IV of 1919.

2. In section 349 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), after clause (28), the following clause shall be inserted, namely:—

Amendment of section 349.

“(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

3. In section 351 of the 1919 Act,—

Amendment of section 351.

(1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.

4. After section 351 of the 1919 Act, the following section shall be inserted, namely:—

Insertion of new section 351-A.

“351-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.—Notwithstanding anything contained in section 351, in making a by-law under clause (28-A) of section 349, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

5. After Schedule VIII of the 1919 Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule VIII-A.

“SCHEDULE VIII-A.**Penalties for breach of by-laws made under section 349 (28-A).**

Sl. No.	Offences.	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.”.

PART – III.**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

Amendment of section 306.	<p>6. In section 306 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), after clause (28), the following clause shall be inserted, namely:—</p> <p>“(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.</p>	Tamil Nadu Act V of 1920.
Amendment of section 308.	<p>7. In section 308 of the 1920 Act,—</p> <p>(1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;</p> <p>(2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.</p>	
Insertion of new section 308-A.	<p>8. After section 308 of the 1920 Act, the following section shall be inserted, namely:—</p>	

“308-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.— Notwithstanding anything contained in section 308, in making a by-law under clause (28-A) of section 306, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

9. After Schedule VIII of the 1920 Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule VIII-A.

“SCHEDULE VIII-A.

Penalties for breach of by-laws made under section 306 (28-A).

<i>Sl.No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.”.

PART-IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.

10. In section 433 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), after clause (31), the following clause shall be inserted, namely:—

Amendment of section 433.

“(31-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

11. In section 435 of the 1971 Act,—

Amendment of section 435.

(1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “twenty rupees”, the expression “two hundred rupees” shall be substituted.

12. After section 435 of the 1971 Act, the following section shall be inserted, namely:—

Insertion of new section 435-A.

“435-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.— Notwithstanding anything contained in section 435, in making a by-law under clause (31-A) of section 433, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

13. After Schedule VI of the 1971 Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule VI-A.

“SCHEDULE VI-A.

Penalties for breach of by-laws made under section 433 (31-A).

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.”.

PART-V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu
Act 25 of 1981.

14. In section 432 of the Coimbatore City Municipal Corporation Act, 1981(hereinafter in this Part referred to as the 1981 Act), after clause (30), the following clause shall be inserted, namely:—

Amendment of
section 432.

“(30-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

15. In section 434 of the 1981 Act,—

Amendment of
section 434.

(1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “twenty rupees”, the expression “two hundred rupees” shall be substituted.

16. After section 434 of the 1981 Act, the following section shall be inserted, namely:—

Insertion of new
section 434-A.

“434-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.—Notwithstanding anything contained in section 434, in making a by-law under clause (30-A) of section 432, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

17. After Schedule VI of the 1981 Act, the following Schedule shall be inserted, namely:—

Insertion of new
Schedule
VI-A.**“SCHEDULE VI-A.****Penalties for breach of by-laws made under section 432 (30-A).**

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
(1)	(2)	(3)	(4)	(5)
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.

4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.”.
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(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 20th February 2019 and is hereby published for general information:—

ACT No. 13 of 2019.

An Act further to amend the Tamil Nadu Panchayats Act, 1994.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act
21 of 1994.

2. In section 243 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), for the expression “one hundred rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted. Amendment of section 243.

3. In section 244 of the principal Act,— Amendment of section 244.

(1) in sub-section (1), for the expression “make by-laws for carrying out any of the purposes for which it is constituted”, the following expression shall be substituted, namely:—

“make by-laws,—

(a) for carrying out any of the purposes for which it is constituted;

(b) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”;

(2) in sub-section (2), for the expression “fifteen rupees” and “five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(3) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2-A) Notwithstanding anything contained in sub-section (2), in making a by-law under clause (b) of sub-section (1), the panchayat may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat not exceeding the amount specified in Schedule III-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

4. After Schedule III of the principal Act, the following Schedule shall be inserted, namely:— Insertion of new Schedule.

“SCHEDULE III-A.***Penalties for breach of by-laws made under section 244 (2-A).***

<i>Sl. No.</i>	<i>Offences.</i>	<i>fine for first time offence.</i>	<i>fine for second time offence.</i>	<i>fine for third time offence.</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
1.	Storage, supply, transport, sale, and distribution of use and throwaway plastics.	Twenty five thousand rupees.	Fifty thousand rupees.	One lakh rupees.
2.	Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.	Ten thousand rupees.	Fifteen thousand rupees.	Twenty five thousand rupees.
3.	Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.	One thousand rupees.	Two thousand rupees.	Five thousand rupees.
4.	Use and distribution of use and throwaway plastics in small commercial vendors.	One hundred rupees.	Two hundred rupees.	Five hundred rupees.”.

(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government,
 Law Department.*